

HB 2256 A STAFF MEASURE SUMMARY

Carrier: Rep. Fragala

House Committee On Agriculture, Land Use, Natural Resources, and Water

Action Date: 02/26/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 6-0-3-0

Yeas: 6 - Boice, Helm, Levy B, Marsh, McLain, Owens

Exc: 3 - Hartman, McDonald, Scharf

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Beth Patrino

Meeting Dates: 2/3, 2/26

WHAT THE MEASURE DOES:

The measure specifies that, under certain circumstances, a public benefit corporation that purchases unlawfully established land parcels are not entitled to damages or equitable relief against the seller if deed reflects intention that purchaser use the property for conservation purposes.

Detailed Summary

Specifies that a purchaser is not entitled to damages or equitable relief against the seller under the statute that sets a buyer’s remedy for purchase of an improperly created unit of land if all of the following conditions apply:

- The purchaser is the state, any county, metropolitan service district, soil and water conservation district, city or park and recreation district, or another specified county service district, acting alone or in cooperation with any federal or state agency, public corporation or political subdivision, or a charitable entity with certain conservation goals, or an Indian tribe.
- The unlawfully established unit of land was separately documented on or before January 1, 2025.
- The deed from the seller reflects an intention for the purchaser to use or convey the property for specified conservation purposes.

Specifies that a person who acquires an interest from such a purchaser or from someone subsequent in title is also not entitled to damages or equitable relief against the original seller, or any purchaser or subsequent purchaser, except for the seller if the acquisition of the property is not for conservation purposes, or the first acquisition was less than five years prior than the acquisition in question. Exempts such purchases from penalties under statutes governing land subdivisions and transactions.

ISSUES DISCUSSED:

- Funding mechanisms for Land Trusts
- Estimated number of lots not associated with legally established land in Oregon
- Impacts of the measure on neighboring lands of such unlawfully established lands

EFFECT OF AMENDMENT:

The amendment specifies additional requirements under which a purchaser of established land parcels or someone who acquires an interest from someone subsequent in title is not entitled to damages or equitable relief against the seller.

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BACKGROUND:

In Oregon, land subdivisions and partitions are governed by ORS Chapter 92. A lot confirmation is an administrative review that verifies one or more lots (including lot remnants and adjusted lots), lots of record, or combinations thereof, have legal status as a property that is eligible for development under the zoning code. If land is acquired for conservation purposes, development of the land is often not intended.